

# Notice of Allowability

Application No.

09/453,158

Examiner

Victor Taylor

Applicant(s)

PIETSKI ET AL.

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 17 June 2002.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 08 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☒ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No. 4.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input checked="" type="checkbox"/> Other   |

## **DETAILED ACTION**

### ***Drawings***

1. The corrected or substitute drawings were received on 08 April 2002. These drawings are approved; see the attached USPTO form 948 for minor corrections.

### ***Response to Amendment***

2. The examiner has received the response to the office action with the corrected drawings on 08 April 2002 in paper 7, and the amendment to the claims on 17 June 2002 in paper 9 of the instant application. The corrections to the specification and the corrected abstract moot the objections to the specification and the drawings. The amendment to the claims and the arguments by the applicant in the amendment concerning the Velocity Vectors  $V_x$  and  $V_y$  and the cited art of record moots the 102(e) and 103(a) rejections and convinces the examiner to allow the case over the cited art of record.

### ***Allowable Subject Matter***

3. Claims 1-8 are allowed.

The following is an examiner's statement of reasons for allowance: The arguments presented by the applicant in the response to the office action and with the corrections to the specification and abstract concerning determining the first velocity vector  $V_x$  and the steps of determining the second velocity vector  $V_y$  for migration of fluid in the subterranean formation with the steps of extrapolating the velocity vectors for determination pressure, permeability and viscosity of the fluid in lithographic structure is not found in the cited art of record.

It is these limitations expressed in each of these claims and not found, taught, or suggested in the prior art of record that makes these claims allowable over the prior art.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Taylor whose telephone number is 703-305-4470. The examiner can normally be reached on 8:00 to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 703-305-4816. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Examiner V. Taylor  
  
Art Unit 2862

28 June 2002.

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

9/453158

NOTICE OF DRAFTSPERSON'S  
PATENT DRAWING REVIEWThe drawing(s) filed (insert date) 12/1/99 re:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

## 1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color. Fig(s)  
Color drawings are not acceptable until petition is granted.Pencil and non black ink not permitted. Fig(s) Fig(s)

## 2. PHOTOGRAPHS. 37 CFR 1.84(b)

1 full-tone set is required. Fig(s) Fig(s)  
Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) Fig(s)  
Poor quality (half-tone). Fig(s) Fig(s)

## 3. TYPE OF PAPER. 37 CFR 1.84(c)

Paper not flexible, strong, white, and durable. Fig(s) Fig(s)Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) Fig(s)Mylar, velum paper is not acceptable (too thin). Fig(s) Fig(s)

## 4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4)

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

All drawing sheets not the same size. Sheet(s) Sheet(s)Drawings sheets not an acceptable size. Fig(s) Fig(s)

## 5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: A4 SizeTop 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
SIZE: 8 1/2 x 11Margins not acceptable. Fig(s) Fig(s)Top (T) Left (L)  
Right (R) Bottom (B)

## 6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

Brackets needed to show figure as one entity. Fig(s) Fig(s)Views not labeled separately or properly. Fig(s) Fig(s)Enlarged view not labeled separately or properly. Fig(s) Fig(s)

## 7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

Hatching not indicated for sectional portions of an object. Fig(s) Fig(s)Sectional designation should be noted with Arabic or Roman numbers. Fig(s) Fig(s)

## 8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) Fig(s)

## 9. SCALE. 37 CFR 1.84(k)

Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) Fig(s)

## 10. CHARACTER OF LINES, NUMBERS, &amp; LETTERS. 37 CFR 1.84(l)

Lines, numbers & letters not uniformly thick and well defined, clean, legible, and black (poor line quality). Fig(s) Fig(s)

## 11. SHADING. 37 CFR 1.84(m)

Solid black areas pale. Fig(s) Fig(s)Solid black shading not permitted. Fig(s) Fig(s)Shade lines, pale, rough and blurred. Fig(s) Fig(s)

## 12. NUMBERS, LETTERS, &amp; REFERENCE CHARACTERS. 37 CFR 1.84(p)

Numbers and reference characters not plain and legible. Fig(s) Fig(s)Figure legends are poor. Fig(s) Fig(s)Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1). Fig(s) Fig(s)English alphabet not used. 37 CFR 1.84(p)(2). Fig(s) Fig(s)Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) Fig(s)

## 13. LEAD LINES. 37 CFR 1.84(q)

Lead lines cross each other. Fig(s) Fig(s)Lead lines missing. Fig(s) Fig(s)

## 14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) Sheet(s)

## 15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) Fig(s)

## 16. CORRECTIONS. 37 CFR 1.84(w)

Corrections not made from prior PTO-948 dated Fig(s)

## 17. DESIGN DRAWINGS. 37 CFR 1.152

Surface shading shown not appropriate. Fig(s) Fig(s)Solid black shading not used for color contrast. Fig(s) Fig(s)

## COMMENTS

characters in shaded areas must be shown clear (Fig 4A, 5b)

REVIEWER WJDATE 3/27/00TELEPHONE NO. 2033058404ATTACHMENT TO PAPER NO. 4

Mail TO APPLICANT